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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,434	12/15/2000	Lorin Evan Ullman	AUS920000703US1	1867
35525	7590	02/01/2007		
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			EXAMINER VU, THONG H	
			ART UNIT	PAPER NUMBER
			2616	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/01/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/737,434

Applicant(s)

ULLMAN, LORIN EVAN

Examiner

Thong H. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,4,6,7,10,11,13,14,17,18,20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,4,6,7,10,11,13,14,17,18,20,21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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1. Claims 3,4,6,7,10,11,13,14,17,18,20,21 are pending. Claims 1,2,5,8,9,12,15,16 and 19 are canceled.

Claim Rejections - 35 USC § 112

2. Claims 3,4,6,7,10,11,13,14,17,18,20,21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

i.e.: choosing mission critical twin endpoints from a subset of discovered endpoints which have not been previously specified as twin endpoints is not described in specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 3,4,6,7;10,11,13,14;17,18,20,21 are rejected under 35 U.S.C. 102(e) as being anticipated by Chiu et al [Chiu, 6,597,689 B1].

3. As per claim 3, Chiu discloses A method for managing a distributed data processing system [Chiu, Internet 135, Fig 1], the method comprising:

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configuring monitoring parameters for network interface cards within the distributed data processing system using a network management framework [Chiu, monitoring configure parameters, col 57 lines 40-50; two cards or twin endpoints, col 23 lines 4-6];

dynamically discovering a set of discovered endpoints within the distributed data processing system [Chiu, the sub agent gathering information to report back to NMS, col 60 lines 4-11];

designating a plurality of discovered endpoints as mission critical endpoints [Chiu, Multiple cards, col 25 lines 60; highest priority, col 35 line 65];

choosing mission critical twin endpoints from a subset of discovered endpoints which have not been previously specified as twin endpoints [Chiu, subset of SNMP, status and configuration, col 62 line 14-35; not previously access, col 86 lines 43-49]; and

associating a mission critical twin endpoint with each mission critical endpoint, wherein a mission critical twin endpoint is a discovered endpoint that has a communication history with a mission critical endpoint with which the mission critical twin endpoint is being associated [Chiu, database, col 61 lines 23-40, the database recorded the information of network activities or communication history].

4. As per claim 4, Chiu discloses retrieving an SNMP table from a discovered endpoint [Chiu, SNMP table, col 85 line 15-20];

searching the SNMP table for an address associated with a mission critical endpoint [Chiu, table with ISP address, col 81 lines 57-67]; and

associating the discovered endpoint with the mission critical endpoint in response to finding the address associated with the mission critical endpoint in the SNMP table [Chiu, col 82 lines 1-8].

5. As per claim 6, Chiu discloses selecting an endpoint in the subset of discovered endpoints that has a most significant communication history with a particular mission critical endpoint [Chiu, highest priority, col 35 line 65]; and

creating a mission critical twin association between the selected endpoint and the particular mission critical endpoint in response to a determination of the most significant communication history [Chiu, select port, col 40 lines 8-24; database, col 61 lines 23-40].

As per claim 7, Chiu discloses retrieving an SNMP table from a discovered endpoint in the subset of discovered endpoints [Chiu, SNMP table, col 85 line 15-20];

searching the SNMP table for an address associated with the particular mission critical endpoint [Chiu, table with ISP address, col 81 lines 57-67];

in response to finding the address associated with the particular mission critical endpoint in the SNMP table, obtaining a value from the SNMP table to be compared with values obtained from other retrieved SNMP tables [Chiu, highest and lowest priority, col 35 line 65]; and

determining the most significant communication history based on a comparison of the values obtained from the retrieved SNMP tables [Chiu, database, col 61 lines 23-40].

6. As per claim 10, Chiu discloses A apparatus for managing a distributed data processing system, the apparatus comprising:

configuring means for configuring monitoring parameters for network interface cards within the distributed data processing system using a network management framework [Chiu, monitoring configure parameters, col 57 lines 40-50; two cards or twin endpoints, col 23 lines 4-6];

discovering means for dynamically discovering a set of discovered endpoints within the distributed data processing system [Chiu, the sub agent gathering information to report back to NMS, col 60 lines 4-11];

designating means for designating a plurality of discovered endpoints as mission critical endpoints [Chiu, Multiple cards, col 25 lines 60; highest priority, col 35 line 65];

first choosing means for choosing mission critical twin endpoints from a subset of discovered endpoints which have not been previously specified as twin endpoints [Chiu, subset of SNMP, status and configuration, col 62 line 14-35; not previously access, col 86 lines 43-49]; and

first associating means for associating a mission critical twin endpoint with each mission critical endpoint, wherein a mission critical twin endpoint is a discovered endpoint that has a communication history with a mission critical endpoint with which

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the mission critical twin endpoint is being associated [Chiu, database, col 61 lines 23-40, the database recorded the information of network activities or communication history].

7. Claims 11,13 ,14 contain the identical limitations set forth in claims 4,6,7 respectively. Therefore claims 11,13,14 are rejected for the same rationale set forth in claims 4,6,7.

8. Claims 17,18 ,20,21 contain the identical limitations set forth in claims 3,4,6,7 respectively. Therefore claims 17,18, 20,21 are rejected for the same rationale set forth in claims 3,4,6,7.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 6:00AM- 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Lynn Feild*, can be reached at (571) 272-2092. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thong Vu
Primary Examiner



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